

### **Remarks**

This amendment is in response to the Office Action dated March 23, 2006, in which claims 24-27 were rejected under 35 U.S.C. §102, and in which claims 28-53 were rejected under 35 U.S.C. §103. In an effort to advance prosecution, all of the claims rejected under 35 U.S.C. §102 have been canceled, and some of the claims rejected under 35 U.S.C. §103 have been canceled in this amendment. Of the previously presented independent claims, only independent claims 28 and 42 remain. Claim 28 has been amended, but claim 42 has not.

New claims 54-99 have been added. Included are five new independent claims, all of which incorporate limitations similar to those of the proposed claim discussed in an interview on June 29, 2006.

### **Interview**

The Applicant expresses appreciation to the Examiner for taking the time to conduct a short telephone interview on June 29, 2006. Discussed during the interview were limitations of a proposed new claim, which was sent by email to the Examiner prior to the interview. Specifically discussed during the interview was the use of a separate “monitoring program” serving as one basis for distinguishing the proposed claim from the Angles and DeLorme references relied on by the Examiner. See the additional discussion below.

New independent claims 54 (directed to a computer) and 55 (directed to a data storage medium) are very similar to the proposed claim discussed on June 29. These claims are discussed in more detail below. New additional independent claims 56, 98 and 99 are very detailed claims also incorporating limitations similar to those in the proposed claim discussed on June 29.

### **Information Disclosure Statement**

The Examiner notes that to ensure consideration of all references listed in the information disclosure statement dated December 8, 2003, copies of the references should be provided. See Office Action, p. 2. In this response, each of the references not

considered in the December 8, 2003 information disclosure statement is provided, as well as a blank copy of the Form PTO-1449 (Modified) that accompanied that information disclosure statement. Consideration of the references provided is respectfully requested.

#### Specification

The Examiner further requires that the Applicant amend the specification to include any essential material incorporated by reference if such material is relied upon to overcome any objection, rejection or other requirement imposed by the Office. See Office Action, pp. 2-3. In this amendment, one paragraph is added to the end of the specification, taken directly from an application (ser. no. 60/047,554, filed May 22, 1997) incorporated by reference into the original application, and modified only slightly to exclude unnecessary references to the drawings. This paragraph is only needed to provide support for dependent claim 90. The paragraph added in this amendment is material previously incorporated by reference, and this amendment contains no new matter. 37 C.F.R. §1.57(f).

It is believed that the “Cross Reference To Related Applications” section on page 1 of the specification properly identifies all of the applications relied on for priority that are listed in the “Incorporation by Reference” section on pages 46-47.

#### Independent Claim 28

Claim 28 has been rejected under 35 U.S.C. §103 as being unpatentable over Angles et al. (U.S. Patent No. 5,933,811), and further in view of DeLorme et al. (U.S. Patent No. 5,948,040). Office Action, p. 8.

In this response, claim 28 has been amended to more effectively highlight distinctions between claim 28 and the Angles and DeLorme patents. For example, claim 28 now requires that the programmed computer carry out the operation of:

monitoring the display of the first web page on the display screen associated with the computer, where the operation of monitoring the display of the first web page is carried out by a *user activity monitoring program that is separate from the web browser application* and that

automatically monitors the display of the first web page as the user operates the web browser application. . .

See amended claim 28 (emphasis added). The foregoing limitations of amended claim 28 requiring a “user activity monitoring program that is separate from” the browser, when combined with the other limitations in claim 28, are not taught by the Angles and DeLorme references. For at least this reason, claim 28 is allowable over the Angles and DeLorme references.

In addition, amended claim 28 includes limitations preventing a combination under §103 involving the Angles and DeLorme patents. For example, claim 28 further recites:

where the first advertising message is independent of the first web page and is not part of the first web page, and is *not embedded within the first web page* . . .

See amended claim 28, ¶11 (emphasis added). Note that the Angles patent uses an “embedded” advertisement request that, if embedded within a first web page, would not only fail to satisfy claim 28, but would prevent any §103 combination involving Angles. See MPEP §2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient . . .”); see col. 2, lines 64-66 or Figure 3, element 304 of the Angles patent (“embedded advertisement request”).

#### Independent Claim 42

Claim 42 has also been rejected “based on the same ground of rejection as” claim 28. Office Action, p. 13. Thus, claim 42 is rejected under 35 U.S.C. §103 as being unpatentable over Angles et al. (U.S. Patent No. 5,933,811), and further in view of DeLorme et al. (U.S. Patent No. 5,948,040).

This rejection is respectfully traversed. Angles and DeLorme do not teach all of the elements of claim 42. For example, claim 42, which has not been amended in this response, requires:

determining that a first web page is a document that the user may wish to retrieve over the network and display on the display screen . . . ;

retrieving the first web page over the network from the first web server, where the first web page is retrieved *before the user inputs a request to display the first web page*;

See claim 42, ¶¶4-5 (emphasis added). The limitations of claim 42 essentially require *preloading* a web page being browsed by the user, *before the user requests it*. See, e.g., Fig. 63 of the specification (illustrating a “preload” process involving an “anticipated” portion of a document). Neither Angles nor DeLorme disclose preloading of web pages that the user is browsing in the manner required by claim 42. Therefore, the Angles and DeLorme references simply cannot support a §103 rejection of claim 42, because those references do not teach or suggest all the limitations of claim 42. MPEP 2143. Accordingly, it is believed that amended claim 42 is fully allowable over the Angles and DeLorme references.

#### New Independent Claims

New independent claims 54, 55, 56, 98, and 99 are also allowable over the Angles and DeLorme patents. Claim 54 is based on the proposed “programmed computer” claim discussed during the interview on June 29. Claim 55 is a similar claim directed to a data storage medium. Both claims 54 and 55 require the operation of:

(c) monitoring activity of the web browser application associated with the plurality of web pages,

where the operation of monitoring activity of the web browser application associated with the plurality of web pages is carried out by a *user activity monitoring program* that automatically monitors activity of the web browser application that is executing on the computer and is controlled by the user,

where the user activity monitoring program is in a *separate code module* that executes on the computer and that provides functionality not provided by the web browser application . . .

These limitations of claim 54 and 55, when combined with the other limitations in those claims, are not taught by the Angles or DeLorme references, and therefore, these claims are also allowable over those references.

Independent claims 56, 98, and 99 are very detailed claims including similar limitations. Independent claim 56 requires “user activity monitoring instructions” that “are in a separate code module . . . .” Similarly, independent claim 98 requires a “network activity monitoring program [that] is separate from the web browser application” and 99 requires “network activity monitoring instructions [that] are in a separate code module . . . .” When taken in combination with the other limitations of those claims, these limitations and others render claims 56, 98, and 99 allowable.

#### Conclusion

Other amendments have been made to the previously presented claims for clarification and to address matters of form. Claims canceled in this amendment are canceled without prejudice to the subject matter claimed therein. There may be other distinctions between the inventions claimed in this application and the art relied upon by the Examiner, but it is believed that the foregoing is sufficient to demonstrate that the pending claims are allowable over the relied-upon art.

This application should now be in condition for allowance. Should the Examiner feel that a conversation with the Applicant will expedite the examination of this application, the Examiner is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

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